

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No. 09/534,204

REMARKS

This Amendment, submitted as supplemental to the Request for Continued Examination filed herewith, is believed to be place the application in condition for allowance. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-8 and 59 and 62 remain pending.

Claim 1 describes that the avalanche effect occurs during image signal read out. The cited art thus far only discusses an avalanche effect during application of the radiation for recording, and not during read out of the image. By contrast, the claim describes an avalanche effect applied at a particular point of obtaining the image. Therefore, the mere fact one skilled in the art may have known that quantum efficiency might be obtained by the avalanche effect does not negate the fact that the cited art applied the effects at a different time than that described by claim 1. The fact that the avalanche “can be” applied at any particular point is immaterial to the rejection since the references themselves do not teach use of the avalanche effect during read out.

At least Tsuji (of record) would not apply an avalanche effect during a read out since this would defeat an equilibrium condition that is desired at the end of the read out operation. The Examiner has failed to rebut prior arguments that an avalanche effect in the read operation of Tsuji is inappropriate since the reference seeks to achieve an equilibrium of charges during read out. This returns the photoconductor structure of Tsuji to a state such that it is ready for receiving another image without special steps to eradicate charges from the image detector. It is for this reason that the cited combination does not suggest each feature of claim 1, since the combination would teach away from the claim.

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The Examiner may not impermissibly shift the burden to Applicant to demonstrate that other factors, besides quantum efficiencies, effect a charge output. It is clear from equations (4) and (7) of Tsuji that many parameters affect charge aside from quantum efficiency.

Because claims 5 and 62 include features similar to those of claim 1, claims 5 and 62 are also patentable for at least these reasons. Claims 2-4, 6-8 and 59 are patentable based on their dependency.

With further regard to claims 4, 8 and 59, these claims describe an inter-relationship of the electric field and image signal. The Examiner cites a general relationship between the image signal and an applied voltage to teach this aspect of the invention. However, the Examiner's over-simplified statement of the relationship lies at the root of the defect in the rejection of all the claims. The charge is a function of any number of factors, as equations (4) and (7) of Tsuji exemplify. The Examiner's selection of the electric field to adjust the image signal is merely a product of hindsight when the references in combination teach several other factors that affect a charge Qs.

In view of the above, Applicant submits that claims 1-8, 59 and 62 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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